

April 8, 1983

LB 602

SENATOR WARNER: Yes, as amended as then is the...it is not a committee amendment, it is mine.

PRESIDENT: Very well.

SENATOR WARNER: The amendment now then reflects the additional 800, a little over \$800,000 of general fund money, a little over \$400,000 of county funds together with the transfer to enable the shortfall in the appropriation to cover fully the medicaid cost. Bringing up the judge's order, why I am a little hesitant to and obviously it would be improper to try and predict what the outcome would be but there are a couple of things I think that you should keep in mind. The one is the State of Nebraska, of course, is not required to participate in federal programs, but if it does, it must meet the requirements of that program, and of course the issue in 611 as brought out by Senator Newell was solely one of that that was trying to determine a choice whether or not the Legislature as a matter of policy wanted to comply, but apparently the body does want to comply, it doesn't want to participate, and if we do, then we obviously must meet the requirements which is the cause of the case. Secondly as far as the outcome, and there is...the issue before the court, I think the one paragraph is best. "The interest of the public does not favor either side at this point for the temporary restraining order. The public has a strong interest in providing health care for the poor and elderly recipients of medicaid assistance and has a strong interest in financial responsibility." And that is our choice also as to which side you want to come down on and I would suggest that if you believe the most important aspect is to maintain current policy of mandating state participation as we do, then you have to come down on the side of approving this amendment to increase the appropriation. And whether or not that is financial responsibility...responsible thing to do is each of our own judgment whether those additional funds of approximately \$800,000 of state funds and \$400,000 of county funds should be required in order to meet the mandated programs that we have as a policy matter adopted by the Legislature and have, at least on two occasions, refused to consider revising those. So with that, I think and my position, so it is not misunderstood, is at this point the policy of the body is to prorate so I am willing to vote against my own amendment as that being the policy even though I suspect Senator Newell is very likely correct, that that policy is going to be wrong, but that is the policy that we have, right or wrong, so I think we ought to at least address the issue through this amendment and